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Office of the Deputy Commissioner for
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raphael G. Raptis) Group Art Unit: 1616
Application No.: 10/600,267) Examiner: Unknown
Filed: June 20, 2003)
For: SUBSTITUTED OCTANUCLEAR) **CERTIFICATE OF FACSIMILE**
PYRAZOLATO CLUSTERS WITH) **TRANSMISSION**
ELECTRON TRANSFER AND MRI)
CONTRAST AGENT PROPERTIES)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:


I hereby certify that the following correspondence including:

- Renewed Petition under 37 C.F.R. §§ 1.78(A)(3) and 1.78(A)(6)
- Amendment
- Application Data Sheet

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Attn: Office of Petitions

June 22, 2004

By: 
Heath W. Hoglund

UPR-1610

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Raphael G. Raptis) Group Art Unit: 1616
Application No.: 10/600,267) Examiner: Unknown
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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a renewed petition for an unintentionally delayed claim of priority under 37 C.F.R. §§ 1.78(a)(3) and (a)(6) in response to the decision mailed May 28, 2004, in the above-identified case. The prior petition was dismissed without prejudice for failure to include a substitute amendment or an Application Data Sheet. Both are included with this renewed petition. For the convenience of the Petitions Examiner, the basis for this renewed request is repeated below:

Background

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As originally filed, the above-identified application included the following statement of priority:

This application claims priority to U.S. provisional application no. 60/113,537, filed December 22, 1998, and to U.S. utility application no. 09/470,504, filed December 22, 1999.

The Official Filing Receipt was mailed on August 26, 2003, but did not identify this claim of priority. Accordingly, applicants requested that the Official Filing Receipt be corrected to include this statement of priority, which request was mailed on October 27, 2003. This request was refused in the Response to Request for Corrected Filing Receipt, which was mailed on December 1, 2003. The grounds for this refusal were that "[t]he application(s) to which priority is claimed were filed over a year prior to the filing date of this application. Therefore, the referenced application(s) cannot be claimed as domestic or foreign priority."

Upon investigation of this refusal, it has come to the attention of the undersigned that the basis is that the wording of the claim of priority in the original application. Specifically, the claim of priority in the original application did not identify the application as a "continuation-in-part."

Petition under 37 C.F.R. § 1.78

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Applicants respectfully petition for the inclusion of the following claim of priority:

This application is a continuation-in-part of Application No. 09/470,504, filed December 22, 1999, now Patent No. 6,596,259, which claims the benefit of U.S. Provisional Application No. 60/113,537, filed December 22, 1998.

A surcharge under 37 C.F.R. §1.17(t) was included with the original petition. The entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(5) and the filing of this renewed petition was unintentional.

Petition under 37 C.F.R. § 1.181

In the alternative, applicants respectfully petition for inclusion of this claim of priority on the grounds that the claim of priority included in the application as originally filed complied with the requirements of 35 U.S.C. §120, which provides in pertinent part:

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, which is filed by an inventor or inventors named in the previously filed application shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

Since the application as originally filed contained a specific reference to the earlier filed application, it is respectfully submitted that it complied with the requirements of 35 U.S.C. §120 and that the refusal to enter such claim should be withdrawn.

Conclusion


For the reasons set forth above, it is respectfully submitted that this petition should be granted. The Petitions Examiner's reconsideration and favorable action are respectfully requested.

Please charge deposit account no. 501,452 for any additional fee that may be necessary for the consideration of this petition.

Respectfully submitted,

June 22, 2004

By:


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